



REMARKS

Applicants respectfully request reconsideration of the present U.S. Patent application.

Claims 1, 9, and 15 have been cancelled. Claims 5, 8, 10, 13, and 16 have been amended.

Therefore, claims 5-8, 10-14, and 16-18 are pending.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 9, and 15 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,208,619 issued to Takeuchi (*Takeuchi*). These claims have been cancelled; therefore, the rejection of these claims is moot.

Allowable Subject Matter

Applicants acknowledge that claim 14 has been allowed.

Claim Objections

Claims 5-8, 10-13, and 16-18 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 5, 10, and 16 have been amended to independent form, and to include the limitations of the claims from which they depended. Claims 6-8, 11-13, and 17-18 depend from claims 5, 10, and 16, respectively. Therefore, Applicants submit that claims 5-8, 10-13, and 16-18 are allowable as amended herein. Thus, Applicants respectfully request that the objection to these claims be withdrawn.

Conclusion


For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 5-8, 10-14, and 16-18 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number
02-2666.

Respectfully submitted,
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Date:

12/23/02



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AMENDMENTS WITH MARKINGS

IN THE CLAIMS

1. (Cancelled) A method of controlling congestion in a network having a plurality of switching points, comprising:

receiving a message from a first switching point at a second switching point to indicate that traffic between a source and a destination is congested; and

reducing a data rate at which packets destined for the destination are output from the second switching point in response to receiving the message.

2. (Cancelled) The method of claim 1, wherein each switching point manages a plurality of service level agreements (SLA) such that data packets corresponding to each service level agreement (SLA) are transmitted from each switching point at at least a minimum data rate corresponding to said respective SLA, and further including:

transmitting by said second switching point data packets for an SLA at a data rate greater than said minimum data rate resulting in congestion at said first switching point;

wherein said step of reducing includes, reducing said data rate for said SLA but not adjusting the data rate for other SLAs managed by said second switching point.

3. (Cancelled) The method of claim 2, wherein said step of reducing said data rate includes reducing said data rate to said minimum data rate.

4. (Cancelled) The method of claim 2, wherein said step of reducing said data rate includes reducing said data rate to zero.

5. (Once Amended) [The method of claim 1 further] A method for controlling congestion in a network having a plurality of switching points, comprising:
- [managing] maintaining a plurality of service level agreements (SLAs) at [each] a first switching point, each SLA having a corresponding minimum data rate; [and]
- transmitting data packets corresponding to each SLA at or above the minimum data rate in accordance with the respective SLA;
- [wherein reducing a data rate at which packets destined for the destination are output from the second switching point in response to receiving the message comprises adjusting the data rate for packets corresponding to an SLA to reduce the congestion.]
- receiving a message from a second switching point at the first switching point to indicate that traffic between a source and a destination is congested; and
- adjusting a data rate at which packets corresponding to an SLA, destined for the destination, are output from the first switching point in response to receiving the message to reduce the congestion.
6. (Unchanged) The method of claim 5 wherein adjusting the data rate for packets corresponding to the SLA to reduce the congestion includes reducing the data rate to the minimum data rate for the SLA.
7. (Unchanged) The method of claim 5 wherein adjusting the data rate for packets corresponding to the SLA to reduce the congestion includes reducing the data rate below the minimum data rate.

8. (Once Amended) The method of claim 5 wherein [managing] maintaining SLAs [at each switching point] further comprises separating the data packets into different queues corresponding to each different SLA.

9. (Cancelled) An article of manufacture comprising a machine-accessible medium that includes content that when accessed provides instructions to cause a machine to:

receive a message from a first switching point at a second switching point to indicate that traffic between a source and a destination is congested; and

reduce a data rate at which packets destined for the destination are output from the second switching point in response to receiving the message.

10. (Once Amended) [The article of manufacture of claim 9 further comprising the content to provide instructions to cause the] An article of manufacture comprising a machine-accessible medium that includes content that when accessed provides instructions to cause a machine to:

[manage] maintain a plurality of service level agreements (SLAs) at a first switching point, each SLA having a corresponding minimum data rate; [and]

transmit data packets corresponding to each SLA at or above the minimum data rate in accordance with the respective SLA;

[wherein the content to provide instructions to cause the machine to reduce a data rate at which packets destined for the destination are output from the second switching point in response to receiving the message comprises the content to provide instructions to cause the machine to adjust the data rate for packets corresponding to an SLA to reduce the congestion.]

receive a message from a second switching point to indicate that traffic between a source and a destination is congested; and

adjust a data rate at which packets corresponding to an SLA, destined for the destination, are transmitted in response to receiving the message to reduce the congestion.

11. (Unchanged) The article of manufacture of claim 10 wherein the content to provide instructions to cause the machine to adjust the data rate for an SLA to reduce the congestion includes the content providing instructions to cause the machine to reduce the data rate to the minimum data rate for the SLA.

12. (Unchanged) The article of manufacture of claim 10 wherein the content to provide instructions to cause the machine to adjust the data rate for an SLA to reduce the congestion includes the content providing instructions to cause the machine to reduce the data rate below the minimum data rate for the SLA.

13. (Once Amended) The article of manufacture of claim 10 wherein the content to provide instructions to cause the machine to [manage] maintain SLAs further comprises the content providing instructions to cause the machine to separate the data packets into different queues corresponding to each different SLA.

14. (Unchanged) A method of controlling congestion among a plurality of switching points, comprising:

managing a plurality of service level agreements (SLAs) specifying a minimum data rate of transmission for packets corresponding to each SLA, at each switching point;

sending a message from a downstream switching point to an upstream switching point to cause the upstream switching point to reduce a data rate at which packets associated with a

specific SLA are output from the upstream switching point to a device downstream from the downstream switching point; and

sending a message from the downstream switching point to the upstream switching point to cause the upstream switching point to increase the data rate at which packets associated with the specific SLA are output from the upstream switching point to the device downstream from the downstream switching point.

15. (Cancelled) A system comprising:

a first switching device to send a message to indicate that traffic between a source and a destination is congested; and

a second switching device coupled with the first switching device to receive the message, and reduce a data rate at which packets destined for the destination are output from the second switching device in response to the message.

16. (Once Amended) [The] A system [of claim 15 further] comprising:

[the] a first switching point to manage service level agreements (SLAs) specifying a minimum data rate for packets corresponding to the SLA, and send a message to indicate that traffic between a source and a destination is congested; and

[the] a second switching point coupled with the first switching point to manage SLAs specifying a minimum data rate for packets corresponding to the SLA, [and] transmit packets from the second switching point in accordance with the SLA[;], receive the message from the first switching point, and reduce a data rate at which packets corresponding to an SLA indicated in the message, destined for the destination, are output from the second switching device in response to receiving the message.

[wherein the second switching point to reduce the data rate comprises the second switching device to reduce the data rate for packets corresponding to a specific SLA indicated in the message received from the first switching point.]

17. (Unchanged) The system of claim 16 wherein the second switching point reducing the data rate includes the second switching point to reduce the data rate to the minimum data rate specified by the corresponding SLA.

18. (Unchanged) The system of claim 16 wherein the second switching point reducing the data rate includes the second switching point to reduce the data rate to below the minimum data rate specified by the corresponding SLA.